

KATZ & KLEINMAN PLLC
ATTORNEYS AT LAW
626 RECKSON PLAZA
UNIONDALE, NEW YORK 11556-0626

LKATZ@KATZANDKLEINMAN.COM

LAWRENCE KATZ

TELEPHONE
(516) 522-2621
FACSIMILE
(888) 903-8400

January 10, 2006

Honorable Viktor V. Pohorelsky
United States District Court Magistrate
225 Cadman Plaza East
Brooklyn, New York 11201-1818

Re: Lerner v. Cohen & Slamowitz, 05 CV 455 (DGT)(VPP)

Dear Judge Pohorelsky:

Plaintiff is writing in reply to the letter of the defendant regarding discovery.

Both the discovery requests of the plaintiff and the responses of the defendant are enclosed herewith.

The Plaintiff seeks responses to interrogatories numbered 3, 4, and 7. These questions seek information that is relevant or seek the identity and location of individuals with knowledge of discoverable information.

The document requests seek the same type of information but nonetheless, with the exception of request numbered 4, were objected to by the defendant.

Document request numbered 5, clearly seeks any information that the defendant has regarding the plaintiff and her account. There is nothing ambiguous about this request.

Finally the court should note that the objections propounded by the defendant are untimely and therefore should be deemed waived.

Thank you for your consideration in this matter.

Sincerely,

Lawrence Katz